Maryland Board of Pharmacy Public Meeting Minutes August 20, 2008

Today's Attendance Year-to-Date Attendance Name Title Absent Present Absent Present Anderson, C. Commissioner 6 2 X Bradley-Baker, L. Commissioner Х 1 Chason, D. Commissioner/Secretary 0 Х 8 Finke. H. 0 Commissioner X 8 Handelman, M. Commissioner 1 X Israbian-Jamgochian, L. Commissioner X 8 0 Leandre, A. Commissioner 8 0 X Matens, R. Commissioner 2 0 Х Souranis, M. Commissioner/Treasurer 1 Х Taylor, D. 0 Commissioner/President X 8 Taylor, R. Commissioner Х 8 0 Zimmer, R. Commissioner 1 х Bethman, L. **Board Counsel** 0 X 8 Banks, T. MIS Manager 7 1 X Costley, S. Licensing Manager Х 8 0 Eversley, C. **Compliance Investigator** 1 X Administration and Public Support Manager Gaither, P. X 7 1 Goodman, S. **Public Information Officer** 0 8 X Legislation/Regulations Manager Jeffers, A. 8 0 X **Executive Director** Naesea. L. Х 1 (excused)

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Executive Secretary

Compliance Officer

Simmons, L.

Taylor, A.

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	1.D. Taylor brought the Public Meeting to order at 9:00 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were asked to notify the Board at this time or when the issue is addressed in the agenda.		
		2. D. Taylor asked that all guests introduce themselves and sign in on the attendance list.		
		3. D. Taylor reported that the University of Maryland Eastern Shore has appointed a Dean of the new Pharmacy School, Nicholas Blanchard.		
		4. D. Taylor reported that the Board has received a revised version of the Maryland StateStat required monthly statistical reporting document. The Board is in the process of reviewing which currently collected statistics will coincide with the new State requirements.		
		5. D. Taylor reported that A. Taylor will be speaking at the University of Maryland School of Pharmacy to discuss the Board's units and Board's disciplinary process on November 5, 2008.		
		6. D. Taylor, Linda Bethman, and A. Jeffers participated in a meeting with representatives from DHMH regarding procedures for the purchasing of vaccines and certain other categories of medications for local health departments.		

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		7. D. Taylor reported that Dean Anne Lin from Notre Dame College, School of Pharmacy will be guest speaker at the October Public Meeting.		
II. Approval of the Minutes	Donald Taylor, Board President	Revisions to Minutes: Approval of Minutes: July 16, 2008 1. Page 6, Section VIII. Item 1. Remove "the". 2. Page 2, Section VI. Change the spelling of "Tommassello" to "Tommassello".	Motion: H. Finke made a motion to accept the July 2008 minutes as amended. L. Israbian- Jamgochian seconded the motion.	Board Action: The Board voted to approve the minutes as amended.
III. Executive Director	LaVerne Naesea, Executive Director	1. L. Naesea reported that the temporary contract for Matthew Smith, the consultant for the Board database, hardware and software support has expired. The Board is developing a proposal to issue a new contract for additional required consultant support. 2. L. Naesea reported that a candidate for the Pharmacist Inspector position has been identified and projected to begin working in October after salary negotiations and Departmental approval is received. 3. L. Naesea reported that the Technician Inspector position is in the hiring process. 4. L. Naesea reported that the budget for FY 2009 was submitted with a request for an Administrative Officer and an Information Specialist. The Budget Analyst reported that the Board will have insufficient income to fund the new positions. L. Naesea reported to the Budget Office that the income from the technician registration should be sufficient to fund the additional positions and that the Board would agree to raise fees if funding anticipated from technician registration was not realized by March 1, 2009. L. Naesea requested that the Board ratify the response sent to the Budget Office. 5. L. Naesea reported that the DHMH audit was completed and the Board staff has provided a written response to the preliminary findings. Further information will be provided to the Board as it becomes available. 6. H. Finke requested information regarding the status of the increase of per diem payments for Board Commissions. L. Naesea reported that the per diem was increased to \$150.00 effective July 1, 2008.	4. Motion: R. Zimmer made a motion to ratify the draft letter to the Budget Office. R. Matens seconded the motion.	4. Board Action: The Board voted to approve the letter for submission to the Budget Office. 5. Action Item: L. Naesea to provide the final audit report to the Board.

Subject	Responsible Party			Discus	sion		Motion	Action/Results
IV. Inspection Program Report	Ann Taylor, Compliance	1. A. Taylor prese			<u> </u>			
	Officer	Туре	Total	Retail	Institutional	Distributors		
		Inspections	73	67	8	0		
		Opening	8	6	0	6		
		Closing	3	3	0	0		
		Special	Ť	•		0		
		Investigations	0	0	0			
V. PEAC Report	Anthony Tommasello,	1. A. Tommasello following chart.	presented t	he PEAC Re	port for June 2008	summarized in the		
	PEAC	Category		To	tal			
		Pharmacist		1:	3			
		Technician		1				
		Pharmacy Stude	ent	2				
		Total Self Referr		10				
		Drug Test Resul	ts	4:	2			
		Positive Urine R	esults	1				
		Client Discharge	es	C)			
		New Cases		1				
		Self Referrals tra	ansferred					
		to the Board		2	:			
		Board Cases red		6				
		occur in the past	o reported the positive uring the student be allow the student be reported the C estimates EAC contractive requested in the student be reported the contractive requested in the student be reported the repositive reported the repositive repos	ne result. The d in disciplin dent to gradu ing with the s wed to gradu ecomes eligi at, as a cons that at least ct. nformation o gram. at the PEAC ited for the O	e result was reported any action which is ate. PEAC has no School to develop ate and whether able for licensure. The reforty registrants in the status of the continuing education.	ted to the UMAB may include the t had this situation a plan to determine unique contract will gistration of nay require e contract for the tion seminar		

Subject	Responsible Party	Discussion	Motion	Action/Results
VI. Legislation and Régulations	Anna Jeffers, Legislation and Regulation Manager Report	1. Regulations a. Board Approval requested for COMAR 10.34.25 Delivery of Prescriptions The Board of Pharmacy approved, with revisions, COMAR 10.34.25 Delivery of Prescriptions. The revisions added by the Practice Committee since the July Board meeting are: .028 (3) add "or companion animal" after the word "individual." .04A (4) (c) add "a temperature sensing device" at the beginning of the sentence. The revisions added at the August Board Meeting are: .01 Scope. Add "the manner in which" after the words "This chapter governs" toward the beginning of the sentence. Delete the phrase at the end of the sentence "in a timely and safe manner so as not to interrupt continuity of therapy." .04A (3) (c) delete entire subsection which reads: "The environmental effects on the strength, quality and purity of the medications according to the manufacturer's specifications and USP-NF." .04A (4) (c) add at the end "in accordance with the manufacturer's specifications and USP-NF." b. Status Update i. COMAR 10.34.09 Fees, submitted July 30, 2008 iii. COMAR 10.34.19 Sterile Pharmaceutical Compounding, published on August 15, 2008. iii. COMAR 10.34.32, Pharmacist Administration of Vaccinations The Board of Nursing will review the regulation in August and the Board of Physicians will review the regulations in September. iv. COMAR 10.13.01, Dispensing of Prescription Drugs by a Licensee. Publication documents to be submitted. v. COMAR 10.27.14 Dispensing in Methadone Clinics. Approved by the Board of Nursing and submitted August 18, 2008. vi. DEA Notice of Proposed Rulemaking-Electronic Prescriptions for Controlled Substances. Board comments due September 5 th . Comments due to DEA September 25 th . Mel Rubin submitted his draft comments to A. Jeffers for consideration. 2. Board approval requested for a Board comment concerning the published proposal for COMAR 13A.15.11.0106 Family Child Care – Health – Medication Administration and Storage. Published August 1, 2008.	1a. Motion: R.Taylor made a motion to accept the changes as amended. C. Anderson seconded the motion. 2. Motion: H. Finke made a motion to accept the comments. R. Zimmer seconded the motion.	1a. Board Action: The Board voted to accepted that chages as amended. 2. Board Action: The Board voted to accept the comments.

Subject	Responsible Party	Discussion	Motion	Action/Results
MI Alexinistantian		The Board members suggested the following revisions: 13A.15.11.04A(1) add the words "at the prescribed time" after "Parental permission to administer the medication" at the beginning of the sentence; 13A.15.11.04A (3) now reads: "At least one dose of the medication has been given to the child by the parent, guardian or prescriber to assess whether the child may have an adverse reaction to the medication." 3. Regulatory proposals published July 18 th , August 1 st and August 15 th were announced: a. COMAR 10.07.02.15 Comprehensive Care Facilities and Extended Care Facilities Pharmaceutical Services (LOA). Published July 18, 2008; b. COMAR 28.02.01.0127 Rules of Procedure. Published August 1, 2008; c. COMAR 10.07.14 Assisted Living Programs, Re-proposal. Published August 15, 2008. d. The Board does not plan to comment on the regulations listed above at this time.		
VII. Administration & Public Support	Patricia Gaither, Administration and Public Support Manager	 L. Naesea reported that the DHMH is planning to hire a staff attorney to support L. Bethman. The position would be shared between three Boards that L. Bethman currently supports. The annual cost of the attorney is \$75,000. The staff attorney will support the Board of Pharmacy, Board of Physical Therapy, and the Board of Psychology. L. Naesea reported that the Board of Psychology did not want to pay a one third share of \$75,000 to support the hiring of the staff attorney. L. Naesea reported that the Board of Pharmacy and the Board of Physical Therapy will pay an additional 7.5% to support the cost of the staff attorney. The total cost to each of the two Boards will be approximately \$32,000. 	2. Motion: H. Finke made a motion to approve the additional expenditure of \$32, 000 to fund the cost of the staff attorney. C. Anderson seconded the motion.	2. Board Action: The Board voted to approve the motion.
		3. L. Naesea reported that a response was received from PEAC regarding their audit. Based on the response from PEAC, the Board staff recommended that the Board not require PEAC to make any repayment for prior billed cases. L. Naesea noted the staff audit recommendations that 1) future documentation provided from therapists be written on the therapist's letterhead and not on PEAC letterhead and 2) that all PEAC client reports submitted to the Board and/or maintained by PEAC reflect cumulative data.	3. Motion: L. Israbian- Jamgochian made a motion to approve the report and staff recommendations on the final version of the PEAC audit. H. Finke seconded the motion.	3. Board Action: The Board voted to approve the motion.

Subject	Responsible Party		Discussion		Motion	Action/Results
		4. D. Taylor asked whether the submitted to H. Finke and R. Ta and will be submitted to P. Gai	aylor for review. The co	ntract has been reviewed		
VIII. Management Information Services	Tamarra Banks, MIS Manager	T. Banks provided a summary 1. The number of e-mails recei increased each month in 2008	ved at the Board throug	h the web-site has		
		Month	2007	2008		
		February	271	504		
		March	295	633		
		April	264	504		
			374	456		
		May June	374	505		
		July	356	494		
		2. The number of visitors to the				
		years 2007 and 2008. Year Fiscal 2007 Fiscal 2008 Fiscal 2009 (YTD)	Totals 142,879 160,295 15,280			
			,			
		3. The use of the public websit	es has been increasing	each month this year.		
		Month	Totals			
		February 2008	11,885			
		March 2008	14,334			
		April 2008	14,345			
		May 2008	15,209			
		June 2008	18,180	┥		
		July	15,280			
		4. T. Banks reported that Rajes assigned by Towson Universit Board staff at the Board's offic format and each module is being it is completed. The draft fiscal compliance modules are in development. 5. T. Banks reported that the Dheld in September and should Memorandum of Understandin still in draft form. M. Smith will office.	y under the MOU with the The database is being reviewed and approvemented a velopment. I module is completed a velopment. I saster Recovery Commequire about fifteen ming (MOU) with Maryland	ne Board to work with g developed in a modular red by the Board's staff as and the licensing and hissioner training will be nutes to complete. The Public Television (MPT) is		

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		6. T. Banks reported that the laptop computers and printers have been requisitioned and will be ordered in August. The IBM computers will be purchased with a warranty to cover any damages related to user handling. Laptops will be provided to R. Matens, L. Israbian-Jamgochian, M. Handelman, H. Finke, L. Bethman, and all inspectors.		
		7. T. Banks reported that she attended a training session sponsored by NABP. NABP anticipates the development of improved electronic information transfers, including improved HIPDB data transfer.		
		8. H. Finke requested that the Board revise the brochure for consumer complaints so that pharmacists could provide education to explain to patients how to appropriately report complaints.		8. Board Action: S. Goodman will develop a draft brochure for the September Board meeting.
IX. Public Relations Committee Report	Summar Goodman, Public Information Officer	1. S. Goodman reported that the Continuing Education Brunch will be on October 5, 2008. The Brunch will be held at the Radisson at Cross Keys from 8:00 A.M. to 11:00 A.M. Due to space limitations, attendance will be limited to the first 150 people who sign-up. There will not be a charge for the event. S. Goodman reported that D. Taylor will provide the introduction and welcome. L. Naesea will provide an update of Board of Pharmacy activities and L. Bradley-Baker will provide the closing remarks.		
		S. Goodman reported that the guest speakers for the Brunch are as follows: A. Robert Feroli, PharmD., Medication Safety Officer Department of Pharmacy Services, Johns Hopkins University. Devid Share, Bh.D. Director Center for Health Information Technology.		
		b. David Sharp, PhD., Director Center for Health Information Technology, Maryland Health Care Commission.		
		3. S. Goodman requested that that Board approve the payment of an Honorarium of \$500.00 to each of the speakers.	3. Motion: C. Anderson made a motion to authorize payment of the Honorarium to each speaker. H. Finke seconded the motion	3. Board Action: The Board voted to approve the motion.
		4. S. Goodman reported that there will be a postcard announcement of the Brunch sent to all licensed pharmacists and registered technicians in Maryland. All pharmacies in Maryland will be sent an email. A "Save the Date" reminder will be included in the upcoming newsletter.		
		5. S. Goodman reported that the Public Relations Committee will be convening an ad hoc Acetaminophen Safety Task Force to develop a campaign. The Task Force will be officially announced at the October Brunch. The Task Force will meet once a month starting in January 2009. S. Goodman reported that a formal		

Subject	Responsible		Motion	Action/Results
•	Party	Discussion		
		letter will be sent in October to the specific groups listed in the proposal requesting a representative. There will be a call for pharmacist volunteers put on the website as well as the Winter Newsletter.		
		6. S. Goodman reported that Delmarva Foundation has asked the Board to nominate a representative to support the Delmarva Foundation's Quality Improvement Organization (QIO). The Board has agreed that M. Handelman will be the representative from the Board to participate in the monthly meetings.	6. Motion: R. Zimmer made a motion to appoint M. Handelman as the Board representative for Delmarva's QIO. A. Leandre seconded the motion.	6. Board Action: The Board voted to approve the motion.
X. Practice Committee	Reid Zimmer, Chair	A. Jeffers reported that the following regulations are undergoing revision: a. COMAR 10.34.20 Format of Prescription Transmission b. COMAR 10.34.28 Automated Medication Systems	the motion.	
		2. R. Zimmer stated that the Practice Committee would be developing regulations for Non-sterile compounding that would follow the USP Chapter 795 guidelines in developing Regulations similar to the Sterile Compounding regulations.		
		2. A. Jeffers reported that the Practice Committee has received a letter from the International Academy of Compounding Pharmacists. IACP would like to offer their expertise and assistance in the area of pharmacy compounding. The IACP letter mentioned that they have assisted numerous Boards with sample compounding rules and regulations.		
XI. Licensing Committee	Cynthia Anderson, Chair	Monthly Statistics – See Attachment 1 S. Costley provided additional information regarding the status of new technician applications through August 20, 2008.		
		3. S. Costley reported that the following training programs have been reviewed and approved by the Licensing Committee. a. Shore Health Systems b. Western Maryland Health Systems c. Correct Rx	3. Motion: The Licensing Committee made a motion to ratify the training programs submitted by Shore Health Systems, Western Maryland Health System and Correct Rx. R. Zimmer seconded the motion.	3. Board Action: The Board voted to approve the motion to ratify the programs.
		4. L. Israbian-Jamgochian reported that the Licensing Committee has not reviewed the training programs submitted to the Board if the programs resulted in the completion of a nationally recognized testing program such as PTCB or		4. Action Item: S. Costly to notify organizations

Subject	Responsible Party		Discussion		Motion	Action/Results
		ICPT. Following Board discussion Committee would review and the submitted to the Board if the pro-	e Board would approve	any training program		who have submitted training programs that the Board will review all submissions.
XII. Disciplinary	Rodney Taylor,	1.A. Taylor reported the monthly	Compliance statistics			
Committee	Chair	Complaints	Number	۱ ا		
		Category		1		
	Ann. Taylor,	Technicians	0	1		
	Compliance	Pharmacists		7		
	Officer	Open Complaints	23	7		
		Referred to AG	6	7		
		New Complaints	7	7		
		Referred to another Agency	2			
		Closed No Action	0			
		Further Action	0			
		Investigations	5			
		Formal Actions	0			
		Board Monitored	12			
		Establishments	36			
		Referred to AG	1			
		Formal Actions	2			
		New Complaints	3			
		Deficiency Letters	8	J		
		2. A. Taylor reported that the Ph well. They are focusing on phart since the last inspection. A. Tay complete two (2) to three (3) ins between pharmacies and the de are only able to perform two ins	macies in which there is for reported that the Ins pections a day. Due to tail required in the new	s the greatest time lapse spectors are anticipated to the long commute inspection process, they		
XIII. Long Term Care	Mayer Handelman, Chair	D. Taylor announced the form of the following members: Nico Clayman, Harry Finke, and Richa	le Brandt, Bruce Krug,			

Subject	Responsible Party	Discussion	Motion	Action/Results
XIV. Informational	Donald Taylor, Board President	1. D. Taylor reported that he attended the American Society of Consultant Pharmacists (ASCP) meeting in Rocky Gap, Maryland on August 7-10, 2008. Educational sessions were provided on a number of issues including Stroke Treatment, Medication Management in Assisted Living, Minimizing Medication Errors, and Revisions to the USP 797 Regulations. Katherine Eban spoke about her book "Dangerous Doses." 2. L. Israbian-Jamgochian proposed that pharmacists who are licensed to provide immunizations have their immunization certificate number placed on the website and a notation be placed on their licenses.		
XV. New Business	Donald Taylor, Board President	D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13). The Public Meeting was adjourned at 12:15 P.M. At 1:01 P.M. Donald Taylor convened a Closed Public Session to conduct a medical review of technician applications.	Motion: R. Matens made a motion to close the Public Meeting and open a Closed Public Session. R. Zimmer seconded the motion.	Board Action: The Board voted to approve closing the Public Meeting and opening a Closed Public Session.
XVI. Adjournment	Donald Taylor, Board President	The Closed Public Session was adjourned at 1:37 P.M. Immediately thereafter, Donald Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.	Motion: R. Matens made a motion to adjourn the Closed Public Session. R. Zimmer seconded the motion.	Board Action: The Board voted unanimously to adjourn the Closed Public Session.

Attachment-1

Monthly Licensing Statistics FY 2009

Category		Jul- 08	Jul- 07	Aug- 08	Sep- 08	Oct- 08	Nov- 08	Dec- 08
Licensed Pha	rmacists		•					
	New licensed this month	93	67					
	In State	5575	5473					
	Out-of-State	2633	2499					
	Total Pharmacists	8208	7972					
Due to renew		378	385					
	Paper renewals	65	87					
	On-line renewals	272	265					
	Non-renewed to date	41	33					
		1						
Reinstatements			1	•	r		•	
	Less than 2 yrs	16	8					
	2-5 years	1	0					
	5 + years	0	0					
		1						
Vaccine Certifications								
	Received to date	278	155					
	Certified this month	7	6					
	Renewed this month	13	4					
	Pending this month	12	15					
	Total Certified to date	266	140					
		_						
Pharmacy Tec	:hnicians							
	Apps for Grandfathered							
	to date	1409	N/A					
	Apps for Nationally							
	Certified to date	2028	N/A					
	Student Exemption	400	N1/A					
	Apps to date	196	N/A					
	Total Apps Received to date	3633	N/A					

Registrations pending to date 1553 N/A
New In-State
New In-State 2 4
New In-State 2 4
New Out-of-State 2 4
New Waiver 0
Total New Pharmacies
Closed In-State
Closed Out-of-State
Closed Out-of-State
Closed Waiver 0 2
Total Closed Pharmacies
Total In-State
Total In-State
Pharmacies 1134 1119
Pharmacies 1134 1119
Total Out-of-State Pharmacies 367 366 Total Waivered Pharmacies 103 112 Total Pharmacy Permits 1604 1597 Distributors New In-State 1 0
Total Waivered Pharmacies 103 112 Total Pharmacy Permits 1604 1597 Distributors New In-State 1 0
Pharmacies 103 112
Total Pharmacy Permits 1604 1597 Distributors New In-State 1 0
Permits 1604 1597 Distributors New In-State 1 0
Distributors New In-State 1 0
New In-State 1 0
New In-State 1 0
New Out-of-State 8 3
Total New Distributors 9 3
Closed In-State 0 0
Closed Out-of-State 0 0
Total Closed
Distributors 0 0
Total In-State
Distributors 187 190
Total Out-of-State
Distributors 726 649

Total Distributors	913	839					
		i					
Rx Drug Repository Program							
Total Apps Received	5	3					
Approved	0	0					
Pending	3	0					
Withdrawals	2	0					
Drug Therapy Management - Approved							
Protocols							
Total Apps Received	8	N/A					
Approved	4						
Not Approved	3						
Pending	1						
Pharmacy Technician Training Programs							
Total Programs							
Received	21	N/A					
Approved	7						
Under Review	3						
Under Re-Work	4						
Pending Review	4						
Approval Not Required	3						

Approved Pharmacy Technician Training Programs

Rite Aid Pharmacies
CVS Pharmacies
Neighbor Care
Pharmacies
Target Pharmacies
Shore Health Systems
Western Maryland
Health System
Correct Rx Pharmacy
Services, Inc.